

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. Jan. 2012

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CDX DIAGNOSTICS, INC., et al.,

Plaintiff(s),

- against -

UNITED STATES ENDOSCOPY GROUP, INC., et al.,

Defendant(s).
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**NOTICE OF INITIAL
COURT CONFERENCE**


13 Civ. 5669 (NSR)

**THIS MATTER HAS BEEN SCHEDULED FOR AN INITIAL CASE
MANAGEMENT AND SCHEDULING CONFERENCE**, pursuant to Fed. R. Civ. P. 16, on
January 30, 2014 at 10:00 am, at the United States Courthouse, 300 Quarropas Street, Courtroom
218, White Plains, New York 10601.

**PLAINTIFF, OR COUNSEL FOR PLAINTIFF(S) SHALL NOTIFY ALL PARTIES
IN WRITING AND PROVIDE ALL PARTIES WITH A COPY OF THIS NOTICE AND
THE ATTACHED CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER,
UNLESS THE CASE HAS BEEN REMOVED FROM STATE COURT, IN WHICH
EVENT COUNSEL FOR THE REMOVING DEFENDANT(S) SHALL PROVIDE SUCH
NOTICE TO ALL PARTIES.**

At the conference, counsel will be expected to provide a brief oral status report outlining
the nature of the dispute(s) requiring adjudication and setting forth the factual and legal bases for
the claims and defenses. Subject matter jurisdiction will be considered, as well as all matters
related to case management.

In cases where Fed. R. Civ. P. 26(f) applies, counsel shall confer at least twenty-one (21)
days prior to the conference date and attempt in good faith to agree upon a proposed discovery
plan that will ensure trial readiness within six (6) months of the conference date. Please complete
the attached Civil Case Discovery Plan and Scheduling Order and bring it to the conference. After
hearing from counsel, the Court will consider whether to grant a longer period only for good cause
shown.



Gina Sicora, Courtroom Deputy to
Hon. Nelson S. Román, U.S.D.J.

Dated: White Plains, NY
January 8, 2014

USDC SDNY
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ELECTRONICALLY FILED
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. Jan. 2012

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**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

Defendant(s).

_____ CV _____ (NSR)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
8. Any further interrogatories, including expert interrogatories, shall be served no later than _____.

9. Requests to Admit, if any, shall be served no later than _____.
10. Expert reports shall be served no later than _____.
11. Rebuttal expert reports shall be served no later than _____.
12. Expert depositions shall be completed by _____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** _____.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. _____.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: White Plains, New York

Nelson S. Román, U.S. District Judge